

UNITED STATES DISTRICT COURT

**Western District of New York
233 United States Courthouse
100 State Street
Rochester, New York 14614**

FILED
IN CLERK'S OFFICE

NOV 21 2005
716-263-5757

**Chambers of
Jonathan W. Feldman
Magistrate Judge**

November 21, 2005

Tony Anastas, Clerk
United States District Court
707 John W. McCormack Post Office and
Courthouse
90 Devonshire Street
Boston, MA 02109

RE: U.S. v. Jorge Lucret, 04-1672CBS
Our case number: 05mj589

Dear Mr. Anastas:

Rule 5 proceedings were held in this District on November 18, 2005. The defendant waived identity and requested the detention hearing and preliminary hearing be held in your district. Enclosed herewith are certified copies of the following: the docket sheet, the waiver of Rule 5 Hearings, minutes, and the Commitment to Another District.

Please indicate your receipt of these documents by signing a copy of this letter and returning it to my attention. If you have any questions, please do not hesitate to contact me.

Sincerely,

Lisa M. Duque
Lisa M. Duque
Courtroom Deputy

lmd
Enclosures

cc: Roxanne Mendez-Johnson, Esq.
Tiffany Lee, Esq.
US Probation
US Marshals

RECEIVED BY AND DATE: _____

**U.S. DISTRICT COURT
WESTERN DISTRICT OF NEW YORK [LIVE] (Rochester)
CRIMINAL DOCKET FOR CASE #: 6:05-mj-00589-JWF-ALL
Internal Use Only**

Case title: USA v. Lucret

Date Filed: 11/18/2005

Assigned to: Hon. Jonathan W.
Feldman

Defendant

Jorge Lucret (1)

represented by **Roxanne Mendez Johnson**
Federal Public Defender
28 East Main Street
Suite 400
Rochester, NY 14614
585-263-6201
Fax: 585-263-5871
Email: roxanne_johnson@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

21:841A=CD.F

Disposition

Plaintiff

USA

represented by **Tiffany H. Lee**
 U.S. Attorney's Office
 100 State Street
 Room 620
 Rochester, NY 14614
 (585) 263-6760, ext. 2251
 Fax: 585-263-6226
 Email: tiffany.lee@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/18/2005	●	Arrest (Rule 5) of Jorge Lucret (LMD,) (Entered: 11/18/2005)
11/18/2005	●1	Minute Entry for proceedings held before Judge Jonathan W. Feldman :Initial Appearance in Rule 5(c)(3) Proceedings as to Jorge Lucret held on 11/18/2005. Def. advised of rights. Court appoints Federal Public Defender. Govt. moves for detention on basis of risk of flight and danger. Def. waives right to an identity hrg. but requests a detention hrg and preliminary hrg in the prosecuting district. Def. held to answer. (digital recording.) (LMD,) (Entered: 11/21/2005)
11/18/2005	●2	Copy of warrant and complaint from the District of Massachusetts (LMD,) (Entered: 11/21/2005)
11/18/2005	●3	WAIVER of Rule 5(c)(3) Hearing by Jorge Lucret (LMD,) (Entered: 11/21/2005)
11/18/2005	●4	COMMITMENT TO ANOTHER DISTRICT as to Jorge Lucret issued. Defendant committed to District of Massachusetts. Signed by Judge Jonathan W. Feldman on 11/18/2005. (LMD,) (Entered: 11/21/2005)
11/21/2005	●	Rule 5(c)(3) Documents sent as to Jorge Lucret to Tony Anastas, Clerk; United States District Court; 707 John McCormack Post Office and Courthouse; 90 Devonshire Street; Boston, MA 02109 (LMD,) (Entered: 11/21/2005)

ATTEST: A TRUE COPY
U.S. DISTRICT COURT, WDNY
RODNEY C. EARLY, CLERK
 By Rose Duque
 Deputy Clerk

LAO 91* (Rev. 5/85) Criminal Complaint

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

v.

M.J. No.: 04-1672-CBS

JORGE LUCRET, A/K/A "MINOR,"

(Name and Address of Defendant)

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about September 22, 2003 in Essex County in the District of Massachusetts, defendant did knowingly or intentionally distribute: cocaine base, a Schedule II controlled substance, also known as "crack cocaine," in violation of Title 21 United States Code, Section(s) 841(a)(1).

I further state that I am a FBI Special Agent and that this complaint is based on the following facts:

Please see attached Affidavit of FBI Special Agent Jeff Wood

Continued on the attached sheet and made a part hereof: [x] Yes [] No


Signature of Complainant
FBI Special Agent Jeff Wood

Sworn to before me and subscribed in my presence,

February 23, 2004
Date

at Boston, Massachusetts
City and State

CHARLES B. SWARTWOOD III
United States Magistrate Judge
Name and Title of Judicial Officer


Signature



#2

AFFIDAVIT OF JEFFREY E. WOOD, JR.

I, Jeffrey E. Wood, Jr., being duly sworn, depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"). I have been employed by the FBI for more than four years. I am currently assigned to the Violent Crime Task Force ("VCTF") investigating, among other things, drug and drug-related crimes in the Lawrence, Massachusetts area.

2. During my four plus years with the FBI, I have been involved in numerous investigations relating to a wide variety of suspected criminal activity including drug and firearms trafficking, bank robberies, armored car robberies, and kidnaping. I have received training in the field of narcotics enforcement and investigations including, but not limited to, training regarding the identification of common street drugs such as cocaine base, a/k/a "crack cocaine." Through my training, education, and experience, I have also become familiar with the manner in which illegal drugs are transported, stored, and distributed, and with the methods of payment for such drugs.

3. I am submitting this affidavit in support of an application for a criminal complaint charging JORGE LUCRET, A/K/A "MINOR" with two counts of distribution of crack cocaine in

violation of 21 U.S.C. §841 (a)(1). As is explained more fully below, **LUCRET** made two controlled sales of crack cocaine to a cooperating witness on September 22, 2003. Both sales were surveilled by law enforcement officers, consensually recorded, and videotaped inside a specially equipped car.

4. This affidavit is submitted for the limited purpose of establishing probable cause to believe that **LUCRET** committed the above-described offenses. Accordingly, I have not included each and every fact known to myself and other law enforcement officers involved in this investigation.

5. For the past six months, I have been the case agent on a multi-agency investigation of the Dome Dwellers, a violent street gang operating in Lawrence, Massachusetts. Since the beginning of the investigation, law enforcement agents have made numerous purchases of controlled substances and firearms from members or associates of the Dome Dwellers using various confidential informants and cooperating witnesses. All of the buys and many of the conversations leading up to them have been consensually recorded on audio and/or videotape.

6. The investigation into the crack cocaine trafficking of **LUCRET** was initiated on September 22, 2003 after a cooperating witness working for the FBI ("the CW") purchased heroin from another target in this investigation ("the Target"). The CW reported that, during that purchase, the Target told the CW that he/she could also provide the CW with crack cocaine.

7. The CW made a consensually recorded call to the Target at approximately 5:50 p.m. on September 22, 2003 to arrange a purchase of crack cocaine. After that call was completed, the CW reported that the Target had not been able to locate the crack cocaine but directed the CW to contact "Minor," from whom the Target stated the CW would be able to purchase crack. "Minor" was later identified as **JORGE LUCRET**.¹

8. After getting off the telephone with the Target, the CW placed a recorded phone call to **LUCRET** at 978-390-3134. In that call, which was consensually recorded in Spanish, **LUCRET** agreed to sell the CW 14 grams of crack cocaine for \$550 and told the CW to meet him on Oxford Street.

9. In anticipation of the meeting with **LUCRET**, I searched the CW and the car he would be driving. I then gave the CW a recording device, a transmitter, a small electronic scale, \$550 in official government funds ("OGC"), and a car equipped with audio/video surveillance equipment and told the CW to drive to Oxford Street (where surveillance agents had already gone) and find **LUCRET**.

10. Surveillance agents saw the CW get to Oxford Street at

¹ A review of the recording from this telephone call shows that the Target had already hung up the telephone when the CW began speaking about **LUCRET**. When asked about this, the CW stated that he did not realize the Target had hung up the phone and that the Target had identified **LUCRET** during an earlier unrecorded conversation when agents were not present. The criminal complaint that is being sought is not based on statements provided by the CW but rather by the undersigned's review of the relevant audio and videotapes and other corroboration including the observations made of the transactions by surveillance agents.

approximately 6:20p.m. After getting there, agents monitoring the transmitter (which were later reviewed by Lawrence Police Detective Richard Brooks, who is fluent in Spanish) heard an individual later identified as **LUCRET** get into the CW's car and begin to speak.² **LUCRET**'s entry into the CW's car and his conversation with the CW was also consensually recorded and captured on video.

11. After **LUCRET** got into the car, he told the CW to drive to the intersection of Haverhill and Morton Streets in Lawrence. The CW pulled into a parking lot, gave **LUCRET** a portion of the buy money, and **LUCRET** left to meet his source of supply for the crack cocaine.

12. The CW watched as **LUCRET** went across the street to meet with his source. When **LUCRET** came back into the car, he provided the CW with a bag containing an off-white rocky substance that only weighed approximately 5.6 grams. Because **LUCRET** had agreed to sell the CW 14 grams of crack cocaine, the CW refused to provide him with the balance of the buy money and demanded that **LUCRET** get the rest of the drugs.

13. The CW was then surveilled back to a predetermined meeting location where he/she arrived at approximately 6:30p.m. I met with the CW and he/she provided me with a plastic bag

² I do not speak Spanish. I have reviewed tapes with Detective Brooks, who summarized the Spanish speaking portions of them for me while they were played. The information contained in this affidavit regarding conversations is therefore based on what Detective Brooks told me and my own review of those portions of the conversations that were in English.

containing the suspected crack cocaine, the balance of the buy money (\$160), and the body recorder, scale, and the transmitter. I searched the CW's person and the car to ensure that the CW had no controlled substances or cash on her/him. A videotape was also removed from the vehicle.

14. After debriefing the CW (who advised me he/she had purchased the drugs from **LUCRET** and gave me information about the buy), I directed the CW to contact **LUCRET** and attempt to purchase the rest of the drugs.

15. The CW placed another consensually recorded telephone call to **LUCRET** at approximately 6:55p.m. After completing the call, the CW told me that **LUCRET** had agreed to supply him with another 8.5 grams of crack.³ After sending surveillance agents back to the Oxford Street area, I gave the CW \$160 in OGC, the body recorder, transmitter, scale, and told him to return to Oxford Street in the undercover vehicle that had been equipped with a new videotape.

16. The CW returned to Oxford Street and, after some delay, met with **LUCRET**. **LUCRET** did not have 8.5 grams of crack cocaine but offered to sell the CW some individual "jums" or "rocks" of crack cocaine that he had in a bag. The CW refused and returned to the meet location for a second time where I took the OGC, the scale, and the recording equipment from him/her again.

³ I also confirmed this information by reviewing the recording of the call with Detective Brooks.

17. When the CW got back to the meeting location for the second time, I told him/her to call **LUCRET**. The CW did and we overheard the CW and **LUCRET** arguing about the price for the balance of the crack. After they agreed on \$250 for the remaining 8.5 grams of crack cocaine, I returned the recording equipment and transmitter to the CW and gave him/her \$250 in OGC buy money.

18. The CW got back to Oxford Street (for the third time) at approximately 7:49p.m. and met with **LUCRET**, who advised the CW that they would have to wait for his source of supply nearby on Morton Street. Ultimately, the source did not arrive for nearly forty-five minutes. While they were waiting, the CW and **LUCRET** continued to argue about the price for the crack and the CW even called me from the car, claiming to **LUCRET** that I was his/her customer. I told the CW to wait for the drugs.

19. At approximately 8:30p.m., **LUCRET** received an incoming call on his cellular telephone and was seen leaving the CW's car. Agents watched **LUCRET** walk toward the liquor store parking lot and return several minutes later. After **LUCRET** got back in the car, the CW drove him to Oxford Street and completed the transaction. The video in the car shows **LUCRET** counting out amounts of what I later determined is crack cocaine and placing them in a bag on the CW's scale which he then gave to the CW.

20. The CW was then followed back to the meeting location where he/she handed me the body recorder, transmitter, the scale,

and another bag of an off-white rocky substance similar to what he/she gave me after the first meeting with LUCRET. I searched the CW and the car for controlled substances and cash again but found nothing.

21. I have reviewed the videotapes of the meetings that the CW had with LUCRET on September 22, 2003 and compared the image of the person with the CW to a photograph of LUCRET obtained from the Middlesex Sheriff's Department. I recognize LUCRET as the person in the video. This was also confirmed by another agent who knows LUCRET.

22. I have also inspected and field tested the contents of the two bags the CW obtained from LUCRET on September 22, 2003. The contents of both bags field tested positive for cocaine. Based on the color, texture, and appearance of the material in the bags, I also believe that both bags contained that particular form of cocaine base known as "crack cocaine." The DEA has also certified that both contained more than five grams of cocaine base.

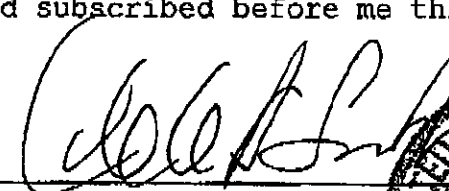
23. Based on the forgoing, I believe there is probable cause to believe that, on two occasions on September 22, 2003, JORGE LUCRET, A/K/A "MINOR," did distribute cocaine base, a/k/a "crack cocaine" in violation of Title 21, United States Code,

Section 841 (a)(1).

Signed under the pains and penalties of perjury this 23rd
day of February, 2004.


JEFFREY E. WOOD, JR.
Special Agent, FBI

Sworn to and subscribed before me this 23rd day of
February, 2004


MAGISTRATE JUDGE CHARLES



05 MJ 589

UNITED STATES DISTRICT COURT
DISTRICT OF
MASSACHUSETTS

UNITED STATES OF AMERICA

v.

JORGE LUCRET
A/K/A "MINOR"

WARRANT FOR ARREST

Case Number: 04-1672-CBS

To The United States Marshal
and any authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest JORGE LUCRET, A/K/A "MINOR"
Name

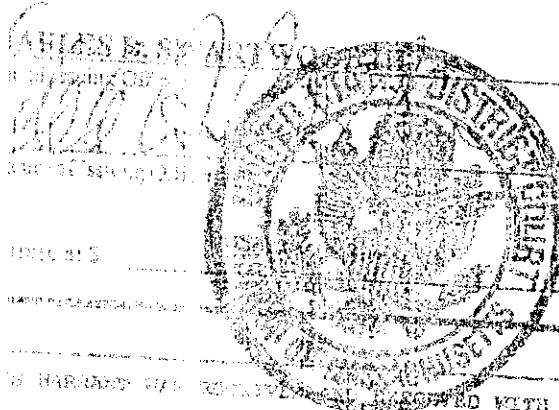
and bring him or her forth to the nearest magistrate judge to answer a(n)

☐ INDICTMENT ☐ INFORMATION ☒ COMPLAINT ☐ ORDER OF COURT ☐ VIOLATION OF NOTICE ☐ PROBATION VIOLATION PETITION

RETURNED TO THE CLERK WITHIN (date description of offense)

1st Violation of cocaine base, a/k/a "crack cocaine"

Violation of Title 21 United States Code, Section(s) 841(a)



UNITED STATES MAGISTRATE JUDGE
Title of Issuing Officer

Boston, MA; February 23, 2004
Date and Location

BY

RETURN

IF WARRANT WAS RETURNED TO THE CLERK WITHIN THE ARREST OF THE ABOVE NAMED DEFENDANT

DATE AND TIME OF ARRESTING OFFICER

SIGNATURE OF ARRESTING OFFICER

UNITED STATES DISTRICT COURT

WESTERN

DISTRICT OF

NEW YORK

UNITED STATES OF AMERICA

V.

JORGE LUCRET

Defendant

WAIVER OF RULE 5 & 5.1 HEARINGS

(Complaint/Indictment)

CASE NUMBER: 05mj589

CHARGING DISTRICTS

CASE NUMBER: 04-1672 CBS

I understand that charges are pending in the Judicial District of Massachusetts
alleging violation of 21:841(a) and that I have been arrested in this district and
(Title and Section)

taken before a judge, who has informed me of the charge(s) and my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) a preliminary hearing (unless an indictment has been returned or information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and
- (4) Request transfer of the proceedings to this district under Rule 20, Fed. R. Crim. P., in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

() identity hearing

() preliminary hearing

(X) identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Jorge Lucret
Defendant

11/18/05
Date

Rosa Dague
Defense Counsel

TRUE COPY
DISTRICT COURT, WDNY
EARLY, CLERK

Rosa Dague
Original Filed 11/18/05

#3

Waivers6:05-mj-00589-JWF USA v. Lucret**U.S. DISTRICT COURT****WESTERN DISTRICT OF NEW YORK [LIVE]**

Notice of Electronic Filing

The following transaction was received from LMD, entered on 11/21/2005 at 3:31 PM EST and filed on 11/18/2005

Case Name: USA v. Lucret**Case Number:** 6:05-mj-589**Filer:** Dft No. 1 - Jorge Lucret**Document Number:** 3**Docket Text:**

WAIVER of Rule 5(c)(3) Hearing by Jorge Lucret (LMD,)

The following document(s) are associated with this transaction:

Document description:Main Document**Original filename:**n/a**Electronic document Stamp:**

[STAMP dcecfStamp_ID=1042579058 [Date=11/21/2005] [FileNumber=470943-0]
][d843bdfc13f1fc5fde19abdbddede0b3df4128980ba190f242486119ebaba58e951
d0e8aca1a4ccdd3d15656c0d162d65284d439efbcc73382c356ac25c6fbe4]]

6:05-mj-589-1 Notice will be electronically mailed to:

Roxanne Mendez Johnson roxanne_johnson@fd.org

Tiffany H. Lee tiffany.lee@usdoj.gov, kim.pettit@usdoj.gov; marylyn.rodriguez@usdoj.gov

6:05-mj-589-1 Notice will be delivered by other means to:

ISSUED

UNITED STATES DISTRICT COURT

WESTERN

District of

NEW YORK

UNITED STATES OF AMERICA

V.

JORGE LUCRET

COMMITMENT TO ANOTHER DISTRICT

DOCKET NUMBER

District of Arrest

District of Offense

MAGISTRATE JUDGE CASE NUMBER

District of Arrest

District of Offense

Western New York

Massachusetts

CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN

☐ Indictment ☐ Information ☒ Complaint ☐ Other (specify)

charging a violation 21 U.S.C. § 841(a)(1)

DISTRICT OF OFFENSE

Massachusetts

DESCRIPTION OF CHARGES:

Distribution of crack cocaine

ATTEST: A TRUE COPY
 U.S. DISTRICT COURT, WDNY
 RODNEY C. EARLY, CLERK
 By Lisa Dugue
 Deputy Clerk

CURRENT BOND STATUS:

- ☐ Bail fixed at _____ and conditions were not met
☐ Government moved for detention and defendant detained after hearing in District of Arrest
☒ Government moved for detention and defendant detained pending detention hearing in District of Offense
☐ Other (specify) Held to answer pursuant to Rule 40(e) of Federal Rules of Criminal Procedure

Representation: ☐ Retained Own Counsel ☒ Federal Defender Organization ☐ CJA Attorney ☐ NoneInterpreter Required? ☒ No ☐ Yes Language: _____

TO: THE UNITED STATES MARSHAL

You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.

11/18/2005

Date

United States Judge or Magistrate Judge

RETURN

This commitment was received and executed as

DATE COMMITMENT ORDER RECEIVED

PLACE OF COMMITMENT

DATE DEFENDANT COMMITTED

DATE

UNITED STATES MARSHAL

(BY) DEPUTY MARSHAL

#4

Other Events

6:05-mj-00589-JWF USA v. Lucret

U.S. DISTRICT COURT

WESTERN DISTRICT OF NEW YORK [LIVE]

Notice of Electronic Filing

The following transaction was received from LMD, entered on 12/2/2005 at 9:23 AM EST and filed on 12/1/2005

Case Name: USA v. Lucret

Case Number: 6:05-mj-589

Filer:

Document Number:

Docket Text:

Mail Returned as Undeliverable on 12/1/05. Mail sent to Tony Anastas, Clerk, USDC, 707 John W. McCormack Post Office and Courthouse, 90 Devonshire Street; Boston, MA 02109 was resent to Sarah Alliston Thorton, Clerk; United States District Court, One Courthouse Way, Boston, MA 02210 on 12/2/05 (LMD,)

The following document(s) are associated with this transaction:

6:05-mj-589-1 Notice will be electronically mailed to:

Roxanne Mendez Johnson roxanne_johnson@fd.org

Tiffany H. Lee tiffany.lee@usdoj.gov, kim.pettit@usdoj.gov; marylyn.rodriquez@usdoj.gov

6:05-mj-589-1 Notice will be delivered by other means to:

Rochester, New York
Before Hon. Jonathan W. Feldman

November 18, 2005

U.S. v. Jorge Lucret, 05mj589

Matter on for Rule 5 initial appearance

Appearances: Def. w/Roxanne Mendez-Johnson, AFD; Tiffany Lee, AUSA and
Mark Warth, USPO

DATE OF ARREST: 11/18/05. Def. advised of rights. Court appoints Federal Public Defender. Govt. moves for detention on basis of risk of flight and danger. Def. waives his right to an identity hrg. but requests a detention hearing and preliminary hearing in the prosecuting district. Def. held to answer.

Digital Recording (9 min.)

ATTEST: A TRUE COPY
U.S. DISTRICT COURT, WDNY
RODNEY C. EARLY, CLERK
By Susan M Dugue
Deputy Clerk
Original Filed 11/18/05

#1

Minute Entries

6:05-mj-00589-JWF USA v. Lucret

U.S. DISTRICT COURT

WESTERN DISTRICT OF NEW YORK [LIVE]

Notice of Electronic Filing

The following transaction was received from LMD, entered on 11/21/2005 at 3:24 PM EST and filed on 11/18/2005

Case Name: USA v. Lucret

Case Number: 6:05-mj-589

Filer:

Document Number: 1

Docket Text:

Minute Entry for proceedings held before Judge Jonathan W. Feldman :Initial Appearance in Rule 5(c)(3) Proceedings as to Jorge Lucret held on 11/18/2005. Def. advised of rights. Court appoints Federal Public Defender. Govt. moves for detention on basis of risk of flight and danger. Def. waives right to an identity hrg. but requests a detention hrg and preliminary hrg in the prosecuting district. Def. held to answer. (digital recording.) (LMD,)

The following document(s) are associated with this transaction:

6:05-mj-589-1 Notice will be electronically mailed to:

Roxanne Mendez Johnson roxanne_johnson@fd.org

Tiffany H. Lee tiffany.lee@usdoj.gov, kim.pettit@usdoj.gov; marylyn.rodriguez@usdoj.gov

6:05-mj-589-1 Notice will be delivered by other means to: